



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Tom F. Coleman
County Attorney
Angelina County
Lufkin, Texas

Dear Sir:

Opinion Number O-3481
Re: Purposes for which bonds
may be voted in independent
school districts.

We have received your letter of July 21, 1943, which
reads in part as follows:

"The Hudson Independent School District of this county desires to hold an election to determine whether or not the voters desire to issue bonds for the purpose of constructing a building to be used as a class room and repairing the existing buildings, as well as for buying certain necessary equipment for the new building. The question presented is whether or not an election can be held to issue bonds for the construction, repairing and equipment of public free school buildings within the limits of the Hudson Independent School District.' Will it be necessary to vote one bond issue for the construction of the proposed new building and another bond issue to be used for the repairing of the existing buildings?

"Article 2784 gives the district trustees power to levy a tax to provide for the interest and sinking fund for bonds issued for the purchase, construction, repair or equipment for

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public free school buildings within the limits of such district.' Article 2786 provides that the petition must contain the purpose for which the proceeds of the bonds must be used. There is no provision against using the proceeds of the bonds for more than one lawful purpose; nor is authority provided for so doing.

"It is my opinion that it is to the best interest of the district to vote one bond issue to be used for both purposes named above."

Article 2784, Revised Civil Statutes of Texas, authorizes the levying of taxes by common and independent school districts for certain purposes, among which are the following:

"2. In common school and independent districts, for the purchase, construction, repair or equipment of public free school buildings within the limits of such districts and the purchase of the necessary sites therefor, a tax not to exceed fifty cents on the one hundred dollars valuation, such tax to be for the payment of the current interest on and provide a sinking fund sufficient to pay the principal of bonds which said districts are empowered to issue for such purposes." (Emphasis supplied)

Article 2786 provides in part as follows:

"Whenever the proposition to issue bonds is to be voted on in any common or independent school district hereunder, the petition, election order and notice of election must distinctly specify the amount of the bonds, the rate of interest, their maturity dates, and the purpose for which the bonds are to be used. * * *"

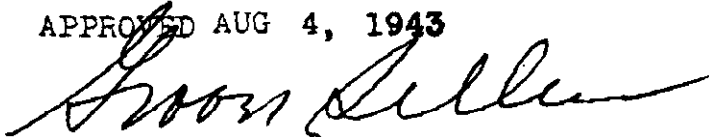
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There can be no doubt that bonds may be issued for the construction of school buildings or for the repair of school buildings or for the equipment of such buildings. Therefore, a school district could vote an issue of bonds for one purpose and also vote another issue of bonds for one of the other purposes. But does this mean that one issue covering more than one purpose can not be voted? We do not think so. It would be a vain and pointless requisite to require separate bond issues and elections, for only additional inconvenience and expense would result.

Certainly the Legislature knew that when new school buildings are constructed, most of them require the purchase of new equipment. Surely the Legislature did not contemplate the holding of separate elections and the voting of separate bond issues. We think it clear that one bond issue may be voted covering the various purposes. This view is consistent with the established practice of this department in approving school bonds.

You are, therefore, advised that one issue of bonds may be voted in an independent school district "for the construction, repair, and equipment of public free school buildings" within the limits of such district.

APPROVED AUG 4, 1943


FIRST ASSISTANT
ATTORNEY GENERAL

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Very truly yours

ATTORNEY GENERAL OF TEXAS

By


George W. Sparks
Assistant

